

# FIFTY-SEVENTH DAY

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TUESDAY, APRIL 22, 1997

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## PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Lucio.

The President announced that a quorum of the Senate was present.

The Reverend James H. McPhail, Minister, Klein United Methodist Church, Spring, offered the invocation as follows:

Almighty God, as we come before You this morning, give us an attitude and spirit of thanksgiving. All around us we can see Your many blessings poured out to us and for us. We thank You for the wonders of creation and the beauty of the Earth. We thank You for our nation and the freedoms and liberties that we enjoy. We thank You for our State of Texas, all the peoples of our state, our heritages and cultures.

I pray for the Governor and the Lieutenant Governor, our Senators and Representatives. Guide them in their decisions and deliberations. Give them wisdom from on high. May they seek to do what is just and right and fair, and not only what is easy, expedient, or popular.

Fill us with Your grace and peace so that the joy of being Your children may cause us to remember whose we are. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## LEAVE OF ABSENCE

On motion of Senator Madla, Senator Lucio was granted leave of absence for today on account of important business.

## CO-AUTHOR OF SENATE BILL 55

On motion of Senator Zaffirini and by unanimous consent, Senator Harris will be shown as Co-author of SB 55.

**CO-AUTHOR OF SENATE BILL 88**

On motion of Senator West and by unanimous consent, Senator Duncan will be shown as Co-author of **SB 88**.

**CO-AUTHOR OF SENATE BILL 165**

On motion of Senator Luna and by unanimous consent, Senator Wentworth will be shown as Co-author of **SB 165**.

**CO-AUTHOR OF SENATE BILL 177**

On motion of Senator Barrientos and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 177**.

**CO-AUTHORS OF SENATE BILL 841**

On motion of Senator Cain and by unanimous consent, Senators Nelson, Sibley, and Wentworth will be shown as Co-authors of **SB 841**.

**CO-AUTHOR OF SENATE BILL 1101**

On motion of Senator Wentworth and by unanimous consent, Senator West will be shown as Co-author of **SB 1101**.

**CO-AUTHOR OF SENATE BILL 1336**

On motion of Senator Ellis and by unanimous consent, Senator Haywood will be shown as Co-author of **SB 1336**.

**CO-AUTHOR OF SENATE BILL 1437**

On motion of Senator Wentworth and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 1437**.

**CO-AUTHOR OF SENATE BILL 1849**

On motion of Senator Madla and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 1849**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 38**

On motion of Senator Ellis and by unanimous consent, Senator Haywood will be shown as Co-author of **SJR 38**.

**CAPITOL PHYSICIAN**

Senator Madla was recognized and presented Dr. Francisco Barrera of San Antonio as the "Doctor for the Day."

The Senate welcomed Dr. Barrera and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**PROCLAMATION FROM THE GOVERNOR**

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

**P R O C L A M A T I O N**

**BY THE**

**GOVERNOR OF THE STATE OF TEXAS**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 75TH LEGISLATURE, REGULAR SESSION:**

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matters for immediate consideration by the 75th Legislature, now convened:

Relating to an appropriation consisting of federal funds from the Temporary Assistance to the Needy Families block grant to the Department of Protective and Regulatory Services; and

Relating to an appropriation to the Texas Youth Commission for the payment of unanticipated costs for agency operations and contracted services resulting from maintaining the "Six-Month Minimum Length of Stay Rate" established by the 74th Legislature during a period of increased juvenile commitments; and

Relating to an appropriation to fund the contract between the Texas Water Development Board and the Edwards Aquifer Authority for the Authority's initial operating costs; and

Relating to an appropriation to the Department of Information Resources for the purpose of developing and implementing a plan to make the state's information resource system compatible with the year 2000; and

Relating to an appropriation to the Texas Natural Resource Conservation Commission for the purpose of financing regional precipitation enhancement programs; and

Relating to an appropriation to the Texas Department of Transportation for the purpose of funding payments under a loan agreement providing for repayment to the general revenue account; and

Relating to an appropriation to the Texas Department of Human Resources for the purpose of making modifications to automation systems necessary to administer federal funds; and

Relating to an appropriation to the Texas Higher Education Coordinating Board for the purpose of providing additional funding of the Pre-freshman Engineering; and

Relating to an appropriation to the Texas Department of Criminal Justice for the purpose of paying a settlement in the case of *Lucia, Inc. v. Manhattan Construction Company, Inc., et al. V. The State*

*of Texas et al.* Contingent upon a full and complete release from any and all claims from all parties in the above referenced action; and

Relating to an appropriation to Texas Southern University for the purpose of funding existing financial obligations of the University and subject to such limitations and conditions set by the legislature; and

Relating to an appropriation to Texas A&M University at Galveston for the purpose of restoration and rehabilitation of severe shoreline erosion in the small boat basin at Texas A&M at Galveston; and

Relating to an appropriation to the Texas Natural Resource Conservation Commission for the purpose of making a payment to MARTA Technologies, Inc., in full and complete satisfaction of a contract relating to motor vehicle inspection/maintenance program dated September 10, 1993, and subject to such limitations and conditions set by the legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 21st day of April, 1997.

/s/George W. Bush  
Governor of Texas

Attest:

/s/Antonio O. Garza, Jr.  
Secretary of State

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 21, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS DIABETES COUNCIL for a term to expire February 1, 2001:

THOMAS R. McCANN  
2727 North Jefferson Avenue  
Mount Pleasant, Texas 75455

Mr. McCann will be replacing Glenda Shelton of Austin whose term expired.

TO BE MEMBERS OF THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE for terms to expire February 1, 1999, or as modified by legislation of the Seventy-Fifth Legislature:

BEVERLY BARRON

3203 East 31st Street

Odessa, Texas 79762

Ms. Barron will be replacing Stephanie Haynes of Alpine who resigned.

ROLLAND CRATEN "R. C." ALLEN

310 Cape Aron

Corpus Christi, Texas 78412

Mr. Allen will be replacing Gene Shull of Tyler whose term expired.

TO BE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM BOARD OF TRUSTEES for terms to expire February 1, 2003:

VICTORIA LEE HARPER LaFOLLETT

No. 8 Bramlette Place

Longview, Texas 75601

Ms. LaFollett will be replacing Charles E. Wilson of Waco whose term expired.

CHARLES E. WINDWEHEN

506 Colony Creek Drive

Victoria, Texas 77904

Mr. Windwehen will be replacing Andres Vega, Jr., of Brownsville whose term expired.

TO BE MEMBERS OF THE TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS for terms to expire February 1, 2003:

J. LEE JAGERS, Ph.D.

2213 Windsor Road

Richardson, Texas 75082

Dr. Jagers will be replacing Karen Barlow of Fort Worth whose term expired.

MARY L. MADISON

1006 North Charlotte Avenue

Stephenville, Texas 76401

Ms. Madison will be replacing Dr. Burtram Butler of Galveston whose term expired.

SUSAN MOORE, Ph.D.

16209 Avenida Del Luna

San Antonio, Texas 78232

Dr. Moore will be replacing Dr. James Mathis of Huntsville whose term expired.

TO BE A MEMBER OF THE STATE PENSION REVIEW BOARD for a term to expire January 31, 2001:

CRAIG S. GORALSKI, Sr.

15915 Ivy Bridge Lane

Houston, Texas 77095

Mr. Goralski will be replacing Larry Eddington of Dallas who resigned.

TO BE MEMBERS OF THE STATE PENSION REVIEW BOARD for terms to expire January 31, 2003:

WILLIAM MAHOMES, Jr.

5111 Sea Pines Drive

Dallas, Texas 75201

Mr. Mahomes will be replacing Gilbert Vargas of San Antonio whose term expired.

FREDERICK E. ROWE, Jr.

3616 Greenbrier

Dallas, Texas 75225

Mr. Rowe will be replacing Hugh L. Stevens of Irving whose term expired.

SHARI OVALLINE SHIVERS

4704 Eby Lane

Austin, Texas 78731

Ms. Shivers will be replacing Cheryl Dotson of Houston whose term expired.

Respectfully submitted,

/s/George W. Bush

Governor of Texas

#### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

Senator Truan was recognized and announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

#### **SENATE RESOLUTION 488**

Senator Lindsay offered the following resolution:

WHEREAS, Klein United Methodist Church was chartered on September 11, 1977, with 165 people joining and committing themselves to be God's witnesses in starting this new church; and

WHEREAS, The Houston Board of Missions of the United Methodist Church realized the potential growth in the north area of Harris County and purchased five acres of land at the corner of Farm Road 2920 and Kuykendahl to make possible the establishing of a new congregation; and

WHEREAS, Such rapid growth took place that a groundbreaking was held for the first building on April 2, 1978, with the completion taking only six months; the first service in the new building was held on October 15, 1978; and

WHEREAS, Steady expansion continued, and on January 27, 1985, an interim sanctuary with an adjoining office wing and music suite was completed which seats over 650 for worship; and

WHEREAS, Klein United Methodist Church now has over 3,100 members; and

WHEREAS, Klein United Methodist Church has had three senior pastors and 10 associate pastors who have given guidance and leadership throughout the years; and

WHEREAS, The church is now an active center of worship, music ministries, children's ministries, youth ministries, Klein Weekday Ministries for Children, adult ministries, Bible studies, and support groups; and

WHEREAS, The church is vitally involved in missions to others through "Love for Christ" feeding of the homeless, the Community Garden providing 4,000 pounds of vegetables for the community food pantry, and the Inter-Faith Hospitality Network hosting homeless families for a week at a time; and

WHEREAS, Other work the church performs is making mission trips to Mexico to build churches and schools, supporting the Clinica Mobile medical ministry to Mexico, UM ARMY youth remodeling homes, and financial and volunteer support for the Northwest Assistance Ministries; and

WHEREAS, Klein United Methodist Church won the Copeland Evangelism Award of the Texas Conference in 1990 and the District Evangelism Award for 1993 and 1994; and

WHEREAS, Klein continues to sponsor Cub Scouts, Boy Scouts, and Explorer Scouts; the Boy Scout troop has been the only troop in the nation to receive the Bishop's Award every year since the award originated in 1987; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby congratulate Klein United Methodist Church and its congregation on its 20th anniversary of service and extend best wishes for an even more successful future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the church as an expression of the high esteem of the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Monday, April 14, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

#### **GUESTS PRESENTED**

Senator Lindsay was recognized and introduced to the Senate a delegation of members of the Klein United Methodist Church of Spring and their pastor the Reverend James H. McPhail, who offered the invocation today.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 543**

Senator Sibley offered the following resolution:

WHEREAS, April 21 and 22, 1997, are Wise County Days at the State Capitol, and the Texas Senate is pleased to join with the citizens of Wise County in honoring their important contributions to our state; and

WHEREAS, Wise County was created in 1856 from Cooke County and was named for United States Senator Henry A. Wise, who was an early settler of the area and favored the annexation of Texas; and

WHEREAS, The land is watered by the Trinity River which bisects the county from northwest to southeast, providing water for the grasslands, wetlands, and agriculture; the county is a leading dairy and cattle region as well as a producer of vegetables, cantaloupes, watermelons, pecans, and grains; and

WHEREAS, Well known for its oil and gas production, Wise County is also an important source of clays, stone, sand, and gravel; and

WHEREAS, Decatur was selected as a townsite and county seat in 1856 and numerous Wise County settlements became important stops for the Butterfield Overland Mail Route in the 1800s; and

WHEREAS, On October 12, 1996, the citizens of Wise County celebrated the 100th anniversary of the Wise County Courthouse, which is built of pink limestone from Burnet and is considered a perfect architectural example of its type and era; and

WHEREAS, The Wise County Heritage Museum houses archives and mementoes of its early history, including Indian artifacts, art, and relics; and

WHEREAS, Proud of its colorful history, residents of the area recreate the bygone days each year as they celebrate Chisolm Trail Days, old settlers reunion, Pioneer Days, Cruising Days, and Butterfield Stage Days; and

WHEREAS, Noted for its wonderful recreational areas and natural beauty, Wise County beckons visitors to Lake Bridgeport and Eagle Mountain Lake, which are located in rugged but scenic country; and

WHEREAS, These special days are an appropriate occasion for the Texas Senate to recognize the citizens of Wise County and to commend them for their notable achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby declare April 21 and 22, 1997, as Wise County Days at the State Capitol and join with its residents as they celebrate their county's greatness; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of Wise County as an expression of the admiration and appreciation of the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

#### **BILL SIGNED**

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **HB 1424**

(Senator Truan in Chair)

#### **COMMITTEE SUBSTITUTE SENATE BILL 1726 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1726**, Relating to full faith and credit for valid foreign protective orders; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

(President in Chair)

#### **COMMITTEE SUBSTITUTE SENATE BILL 1726 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1726** be placed on its third reading and final passage.



The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

**CSSB 1726** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **SENATE BILL 1763 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1763**, Relating to the authority of the Texas Department of Human Services to contract for Medicaid-certified beds in nursing facilities.

The bill was read second time.

Senator Moncrief offered the following committee amendment to the bill:

#### **Committee Amendment No. 1**

Amend **SB 1763** on page 2, line 11 by striking "30" and substituting "90".

The committee amendment was read.

On motion of Senator Moncrief and by unanimous consent, Committee Amendment No. 1 was tabled.

Senator Moncrief offered the following committee amendment to the bill:

#### **Committee Amendment No. 2**

Amend **SB 1763** by striking lines 8-12 on page 2 and substituting the following:

Sec. 32.0247. REALLOCATION OF UNOCCUPIED MEDICAID CERTIFIED NURSING FACILITY BEDS. The department may make one or more Medicaid-certified beds which remain unoccupied in a facility for more than 180 consecutive days available for contracts with other facilities. The department shall by rule adopt procedures to implement this section. The department shall take into consideration the history of violations of a facility losing or receiving a certified bed, and shall reallocate beds in a manner which enhances consumer choice and promotes quality of care.

The committee amendment was read.

On motion of Senator Moncrief and by unanimous consent, Committee Amendment No. 2 was tabled.

Senator Moncrief offered the following committee amendment to the bill:

#### **Committee Amendment No. 3**

Amend **SB 1763** as follows:

Strike SECTION 2 on page 2, lines 6-12 in its entirety, and renumber the remaining SECTIONS accordingly.

The committee amendment was read and was adopted by a viva voce vote.

**SB 1763** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1763 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1763** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

**SB 1763** was read third time and was passed by a viva voce vote.

**SENATE BILL 1676 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1676**, Relating to the terms of office of the members of and the composition of the Crime Stoppers Advisory Council.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1676** as follows:

1. On line 5, delete "six" and insert "seven".

The committee amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1676** as follows;

On page 1, line 21, by deleting the words "of one-half".

On page 1, line 22, delete the word "each" and delete the word "year" and insert the word "years".

On page 1, line 25, delete the word "one" and insert the word "two".

On page 1, line 25, delete the word "member" and insert the word "members".

On page 1, line 27, delete the word "member", insert the word "members".

On page 1, line 27, delete the word "one" and insert the word "two".

On page 1, line 28, delete the word "person" and insert the word "persons".

The amendment was read and was adopted by a viva voce vote.

**SB 1676** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1676 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1676** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

**SB 1676** was read third time and was passed by a viva voce vote.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate students from the Junior Chapter Terry County Agricultural Leadership Program and their sponsors Lee Arrington and Tim Hancock.

The Senate welcomed its guests.

**SENATE RESOLUTION 545**

Senator Cain offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in joining the residents of Van Zandt County in declaring Tuesday, April 22, 1997, as Van Zandt County Day; and

WHEREAS, Van Zandt County was carved out of Henderson County and was created by an enactment of the Texas Legislature on March 20, 1848; the county was named in honor of Isaac Van Zandt, an early pioneer who was a candidate for governor of Texas, but who was stricken by yellow fever and died in 1847; and

WHEREAS, The two largest towns in the county are Wills Point and Canton; Wills Point was mapped out in 1873 and originally named Iola; it was later renamed in honor of one of its early citizens, William Wills; the Wills Cabin has been preserved and is now the site of community meetings; Wills Point is considered the Bluebird Capitol of Texas; and

WHEREAS, Canton was mapped out in 1850 and was incorporated in 1919; it is the county seat and is home of the World Famous First Monday Trades Day, one of the largest outdoor flea markets in the world; First Monday Trades Day allows Canton to have the lowest tax rate in the county; and

WHEREAS, Other towns include Edom, Edgewood, Van, and Grand Saline; Edom, one of the county's oldest towns, was established in 1856 and is known for the annual Edom Art Fair; Edgewood was established in 1878 and is known for its Edgewood Heritage Park Historical Village; and

WHEREAS, Van was established in 1891 and is noted for its oil fields and for the Van Area Museum of Oil and Natural History; Grand Saline, the first county seat and post office, was established in 1873 and is known for Morton Salt and its salt mine; it is home to the only building made completely of salt, the Grand Saline Salt Palace; and

WHEREAS, Van Zandt County has a population of over 39,000, and its economy is based on oil, tourism, and agribusinesses; most of the county's annual income is from cattle, hogs, and dairy products; it is also a major hay and sweet potato producer; the county is fortunate to have the Sabine and Neches rivers and is home to Purvis Creek State Park; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby express appreciation to the people of Van Zandt County for the county's many amenities and its contributions to our state and extend best wishes for a joyous Van Zandt County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Van Zandt County as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Cain, the resolution was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Cain was recognized and introduced to the Senate a delegation of elected officials and citizens from Van Zandt County.

The Senate welcomed its guests.

(Senator Truan in Chair)

#### **SENATE BILL 1849 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1849**, Relating to the designation of a portion of United States Highway 281 in Bexar County as the Congressman Frank M. Tejeda Memorial Highway.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1849 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1849** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio

**SB 1849** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 360 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 360**, Relating to the review and continuation of certain state agencies and laws subject to the Texas Sunset Act.

The bill was read second time.

**(Senator Cain in Chair)**

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 360** by adding the following new article, with that article and the sections within that article to be numbered appropriately, and by renumbering the subsequent articles and sections of the bill accordingly:

**ARTICLE \_\_. AGENCY GIVEN 1999 SUNSET DATE**

**SECTION \_\_.01.** Section 4(d), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(d) The Texas Board of Private Investigators and Private Security Agencies is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this Act expires September 1, 1999 [2003].

**SECTION \_\_.02.** The Sunset Advisory Commission shall perform the review of the Texas Board of Private Investigators and Private Security Agencies under Chapter 325, Government Code (Texas Sunset Act), in coordination with the office of the state auditor.

The amendment was read and was adopted by a viva voce vote.

**CSSB 360** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 360 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

**CSSB 360** was read third time and was passed by a viva voce vote.

**GUESTS PRESENTED**

Senator Fraser was recognized and introduced to the Senate a delegation from Leadership Killeen.

The Senate welcomed its guests.

**SENATE BILL 690 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 690**, Relating to state government's purchasing and use of electricity.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTE**

Senator Cain asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **SENATE BILL 690 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 690** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Cain.

Absent-excused: Lucio.

**SB 690** was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

#### **SENATE BILL 1040 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1040**, Relating to programs of institutions of higher education that address small business research and development.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1040 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1040** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

**SB 1040** was read third time and was passed by a viva voce vote.

#### **SENATE CONCURRENT RESOLUTION 42 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**SCR 42**, Encouraging business schools and business programs at Texas colleges and universities to increase their course offerings to include courses that focus on small and medium-sized businesses.

The resolution was read second time and was adopted by a viva voce vote.

(Senator Sibley in Chair)

**GUESTS PRESENTED**

Senator Luna was recognized and introduced to the Senate a delegation from the Parent Leadership Program of San Antonio.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Truan was recognized and introduced to the Senate a group from the government class of Moody High School of Corpus Christi: Viola Benavidez, Jose Ruiz, Denise Arsuaga, and Veronica Serna, students; Mike Zepada, adult advisor; and Steve Vanmatre, teacher.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1591 ON SECOND READING**

On motion of Senator Haywood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1591**, Relating to the authority of the Texas Natural Resource Conservation Commission regarding pollution control or abatement flexibility.

The bill was read second time.

On motion of Senator Haywood and by unanimous consent, further consideration of **CSSB 1591** was postponed.

Question—Shall **CSSB 1591** be passed to engrossment?

**COMMITTEE SUBSTITUTE  
SENATE BILL 841 ON SECOND READING**

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 841**, Relating to ad valorem taxation.

The bill was read second time.

Senator Cain offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 841** as follows:

(1) In SECTION 1 of the bill (Committee Printing page 1, lines 14-60), strike amended Sections 6.03(a), (b), (c), and (l), Tax Code, and substitute the following:

(a) The appraisal district is governed by a board of ~~[five]~~ directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director. The

county assessor-collector is ineligible to serve if the board enters into a contract under Section 6.05(b) or if the commissioners court of the county enters into a contract under Section 6.24(b). To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. To be eligible to serve on the board of an appraisal district established for a county having a population of at least 200,000 bordering a county having a population of at least 2,000,000 and the Gulf of Mexico, an individual other than a county assessor-collector serving as a nonvoting director must be a member of the governing body or an elected officer of a taxing unit entitled to vote on the appointment of board members under this section. However, an employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(1) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 10 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

(2) Strike SECTION 3 of the bill (Committee Printing page 2, lines 11-17).

(3) In SECTION 11 of the bill (Committee Printing page 4, lines 55-67), strike proposed Section 23.012, Tax Code, and substitute the following:

Sec. 23.012. INCOME METHOD OF APPRAISAL. If the chief appraiser uses the income method of appraisal to determine the market value of real property, the chief appraiser shall:



(1) use market rental income and expense data pertaining to the property if possible and applicable;

(2) make any projections of future rental income and expenses only from clear and appropriate evidence;

(3) use data from generally accepted sources in determining an appropriate capitalization rate; and

(4) determine a capitalization rate for income-producing property that includes a reasonable return on investment, taking into account the risk associated with the investment.

(4) In SECTION 12 of the bill (Committee Printing page 6, lines 1-5), strike proposed Section 25.19(j), Tax Code, and substitute the following:

(j) Delivery with a notice required by Subsection (a) or (i) of a copy of the pamphlet published by the comptroller under Section 5.06 or a copy of the notice published by the chief appraiser under Section 41.70 is sufficient to comply with the requirement that the notice include the information specified by Subsection (b)(7) or (i)(3), as applicable.

(5) Between SECTIONS 14 and 15 of the bill (Committee Printing page 6, between lines 33 and 34), insert the following:

SECTION \_\_. Section 33.06(c), Tax Code, is amended to read as follows:

(c) To obtain an abatement, the individual must file in the court in which suit is pending an affidavit stating the facts required to be established by Subsection (a) of this section. If no controverting affidavit is filed by the taxing unit filing suit or if, after a hearing, the court finds the individual is entitled to the deferral, the court shall abate the suit until the individual no longer owns and occupies the property as a residence homestead. The clerk of the court shall deliver a copy of the judgment abating the suit to the chief appraiser of each appraisal district that appraises the property.

(6) In SECTION 15 of the bill, at the end of proposed Subsection (d), Section 33.065, Tax Code (Committee Printing page 6, line 65), add "The clerk of the court shall deliver a copy of the judgment abating the suit to the chief appraiser of each appraisal district that appraises the property."

(7) In SECTION 15 of the bill, between proposed Sections 33.065(e) and (f), Tax Code (Committee Printing page 7, between lines 4 and 5), insert the following subsection and reletter the subsequent subsections of proposed Section 33.065, Tax Code, appropriately:

(f) If the collection of delinquent taxes on the property was deferred in a prior tax year and the sum of the amounts described by Subsections (a)(1) and (2) exceeds the appraised value of the property for the current tax year, the amount of taxes the collection of which may be deferred is reduced by the amount calculated by multiplying the taxing unit's tax rate for the current year by the amount by which that sum exceeds the appraised value of the property.

(8) In SECTION 17 of the bill (Committee Printing page 7, lines 41-43), strike proposed Section 41.71, Tax Code, and substitute the following:

Sec. 41.71. EVENING AND WEEKEND HEARINGS. An appraisal review board by rule shall provide for hearings on protests in the evening or on a Saturday or Sunday.

(9) Between SECTIONS 17 and 18 of the bill (Committee Printing page 7, between lines 43 and 44), insert the following section:

SECTION \_\_. Section 403.302(d), Government Code, is amended to read as follows:

(d) For the purposes of this section, "taxable value" means market value less:

(1) the total dollar amount of any exemptions of part but not all of the value of taxable property required by the constitution or a statute that a district lawfully granted in the year that is the subject of the study;

(2) the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(3) the total dollar amount of any captured appraised value of property that is located in a reinvestment zone and that is eligible for tax increment financing under Chapter 311, Tax Code;

(4) the total dollar amount of any exemptions granted under Section 11.251, Tax Code;

(5) the difference between the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value may not exceed the fair market value of the land;

(6) the portion of the appraised value of residence homesteads of the elderly on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(7) a portion of the market value of property not otherwise fully taxable by the district at market value because of action required by statute or the constitution of this state that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property; ~~and~~

(8) the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(9) the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06, Tax Code; and

(10) the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code.

(10) Renumber the SECTIONS of the bill appropriately.

The amendment was read and was adopted by a viva voce vote.

CSSB 841 as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 841 ON THIRD READING

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 841 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

**CSSB 841** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**GUESTS PRESENTED**

Senator Fraser was recognized and introduced to the Senate a group of students from Japan representing Group Study Exchange.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Wentworth was recognized and introduced to the Senate Miss Rodeo Texas 1996 Terri Turner of the Del Rio/San Antonio area and Miss Rodeo Texas 1992 Tonya Eppright of Bebe.

The Senate welcomed its guests.

**SENATE JOINT RESOLUTION 43 ON SECOND READING**

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SJR 43**, Proposing a constitutional amendment relating to transferring the school tax freeze on homesteads of the elderly.

The resolution was read second time and was passed to engrossment by a viva voce vote.

**SENATE JOINT RESOLUTION 43 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 43** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

**SJR 43** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1591 ON SECOND READING**

The Senate resumed consideration of **CSSB 1591** on its second reading. The bill was read second time and further consideration was postponed.

**CSSB 1591**, Relating to the authority of the Texas Natural Resource Conservation Commission regarding pollution control or abatement flexibility.

Question—Shall **CSSB 1591** be passed to engrossment?

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1591**, in Section 5.123, subsection (a)(1), page 1, line 21, strike the words "at least as protective of the environment and the

public health as" and replace with the words "more protective of the environment and public health than".

The amendment was read.

On motion of Senator Haywood, Floor Amendment No. 1 was tabled by the following vote: Yeas 21, Nays 8.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire.

Nays: Barrientos, Ellis, Gallegos, Moncrief, Shapleigh, Truan, West, Zaffirini.

Absent: Luna.

Absent-excused: Lucio.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1591**, Section 5.123, page 1, lines 25 through 28 by striking subsection (b) and inserting a new subsection (b) to read as follows:

(b) The commission shall adopt separate rules for each pollution control program under its jurisdiction that specify the respective procedures for obtaining an exemption under this section and describe the criteria by which the commission will evaluate each request for an exemption. The rules must provide that each application for an exemption must be subject to the same requirements for public notice and the same opportunity for affected persons to request a public hearing that would otherwise be applicable to an application for a permit or for any other commission authorization.

The amendment was read.

On motion of Senator Haywood, Floor Amendment No. 2 was tabled by the following vote: Yeas 23, Nays 6.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, West, Whitmire.

Nays: Barrientos, Gallegos, Moncrief, Shapleigh, Truan, Zaffirini.

Absent: Luna.

Absent-excused: Lucio.

**(President in Chair)**

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 1591**, Section 5.123, by adding a new subsection (c) to read as follows and renumbering the subsequent subsections accordingly:

(c) The commission shall require each applicant who proposes to control or abate pollution by an alternative method or by applying an alternative standard to demonstrate conclusively that the alternative method or standard will achieve the level of protection of the environment and the public health that is required by Subsection (a)(1) of this section.

The amendment was read.

On motion of Senator Haywood, Floor Amendment No. 3 was tabled by the following vote: Yeas 22, Nays 7.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire.

Nays: Barrientos, Gallegos, Moncrief, Shapleigh, Truan, West, Zaffirini.

Absent: Luna.

Absent-excused: Lucio.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend CSSB 1591, Section 5.123, on page 1, lines 33 and 34 by striking the current subsection (d) and substituting a new subsection (d) to read as follows:

(d) The commission by rule may establish a reasonable fee for applying for an exemption under this section and any such fee shall be sufficient to cover the full costs incurred by the commission in the review and evaluation of applications for exemptions. The authority granted by this section to the commission to exempt an applicant from a requirement of a statute or commission rule regarding the control or abatement of pollution shall be in effect only in those fiscal years for which the legislature has appropriated to the commission specific funds to cover the processing and evaluation of such applications for exemptions.

The amendment was read.

On motion of Senator Haywood, Floor Amendment No. 4 was tabled by the following vote: Yeas 21, Nays 7.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Gallegos, Galloway, Harris, Haywood, Lindsay, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire.

Nays: Barrientos, Fraser, Moncrief, Shapleigh, Truan, West, Zaffirini.

Absent: Ellis, Luna.

Absent-excused: Lucio.

**(Senator Armbrister in Chair)**

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend CSSB 1591, Section 5.123, on page 1, line 38, by adding a new subsection (f) to read as follows:

(f) Any facility that emits air pollutants that was in existence on or before September 1, 1971 and is operating without a construction permit issued by the commission is not eligible for the type of exemption which the commission is authorized to grant under Subsection (a) of this section.

The amendment was read.

On motion of Senator Haywood, Floor Amendment No. 5 was tabled by the following vote: Yeas 22, Nays 7.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Whitmire.

Nays: Barrientos, Gallegos, Moncrief, Shapleigh, Truan, West, Zaffirini.

Absent: Luna.

Absent-excused: Lucio.

CSSB 1591 was passed to engrossment by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, West, Whitmire.

Nays: Barrientos, Gallegos, Shapleigh, Truan, Zaffirini.

Absent: Luna.

Absent-excused: Lucio.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1591 ON THIRD READING**

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1591 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, West, Whitmire.

Nays: Barrientos, Gallegos, Shapleigh, Truan, Zaffirini.

Absent: Luna.

Absent-excused: Lucio.

CSSB 1591 was read third time and was passed by the following vote: Yeas 24, Nays 5. (Same as previous roll call)

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Tuesday, April 22, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 207**, Honoring James A. Dawson for his contributions to the community.

**SB 886**, Relating to making emergency appropriations.  
(Committee Substitute)

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**SENATE BILL 1539 RECOMMITTED**

On motion of Senator Zaffirini and by unanimous consent, **SB 1539** was recommitted to the Committee on Health and Human Services.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Health and Human Services might consider **SB 1539** tomorrow.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Education might consider **SB 1221** tomorrow.

**SENATE RESOLUTIONS ON FIRST READING**

The following resolutions were introduced, read first time, and referred to the committees indicated:

**SCR 74** by Bivins

Supporting the desire of the board of regents of The Texas A&M University System to combine the Baylor College of Dentistry, the Texas A&M University College of Medicine, the Texas A&M University Institute of Biosciences and Biotechnology, and the Texas A&M University School of Rural Public Health into a unified administrative structure to be named the Texas A&M University System Health Science Center.  
To Committee on Education.

**SCR 75 by West**

Authorizing the creation of a commission to study the creation of an institution of higher education to be located in the southern portion of the County of Dallas.

To Committee on Education.

**HOUSE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution received from the House were read first time and referred to the committees indicated:

- HB 40** to Committee on Jurisprudence.
- HB 209** to Committee on State Affairs.
- HB 251** to Committee on State Affairs.
- HB 254** to Committee on State Affairs.
- HB 259** to Committee on Jurisprudence.
- HB 327** to Committee on State Affairs.
- HB 384** to Committee on Jurisprudence.
- HB 385** to Committee on Education.
- HB 463** to Committee on Intergovernmental Relations.
- HB 473** to Committee on Natural Resources.
- HB 539** to Committee on Economic Development.
- HB 564** to Committee on Economic Development.
- HB 598** to Committee on Jurisprudence.
- HB 621** to Committee on Finance.
- HB 627** to Committee on Economic Development.
- HB 657** to Committee on Jurisprudence.
- HB 723** to Committee on Health and Human Services.
- HB 729** to Committee on Health and Human Services.
- HB 785** to Committee on Jurisprudence.
- HB 818** to Committee on Criminal Justice.
- HB 883** to Committee on Intergovernmental Relations.
- HB 922** to Committee on Economic Development.
- HB 976** to Committee on Economic Development.
- HB 996** to Committee on Intergovernmental Relations.
- HB 1062** to Committee on State Affairs.
- HB 1126** to Committee on Jurisprudence.
- HB 1135** to Committee on State Affairs.
- HB 1168** to Committee on Economic Development.
- HB 1177** to Committee on State Affairs.
- HB 1178** to Committee on Natural Resources.
- HB 1193** to Committee on Jurisprudence.
- HB 1212** to Committee on Economic Development.
- HB 1228** to Committee on Natural Resources.
- HB 1285** to Committee on State Affairs.
- HB 1306** to Committee on State Affairs.
- HB 1312** to Committee on Jurisprudence.
- HB 1391** to Committee on International Relations, Trade, and Technology.
- HB 1410** to Committee on Intergovernmental Relations.



HB 1482 to Committee on Criminal Justice.  
HB 1489 to Committee on Natural Resources.  
HB 1504 to Committee on Jurisprudence.  
HB 1532 to Committee on State Affairs.  
HB 1550 to Committee on Jurisprudence.  
HB 1555 to Committee on Health and Human Services.  
HB 1567 to Committee on Intergovernmental Relations.  
HB 1596 to Committee on Health and Human Services.  
HB 1621 to Committee on State Affairs.  
HB 1673 to Committee on Finance.  
HB 1747 to Committee on Criminal Justice.  
HB 1761 to Committee on International Relations, Trade, and Technology.  
HB 1782 to Committee on State Affairs.  
HB 1798 to Committee on Health and Human Services.  
HB 1808 to Committee on State Affairs.  
HB 1811 to Committee on State Affairs.  
HB 1820 to Committee on Finance.  
HB 1843 to Committee on State Affairs.  
HB 1870 to Committee on Economic Development.  
HB 1875 to Committee on Health and Human Services.  
HB 1879 to Committee on State Affairs.  
HB 1929 to Committee on Health and Human Services.  
HB 1965 to Committee on Jurisprudence.  
HB 1975 to Committee on Economic Development.  
HB 1976 to Committee on Economic Development.  
HB 1977 to Committee on Economic Development.  
HB 2015 to Committee on Economic Development.  
HB 2082 to Committee on Criminal Justice.  
HB 2102 to Committee on Jurisprudence.  
HB 2116 to Committee on Finance.  
HB 2437 to Committee on Economic Development.  
HB 2644 to Committee on State Affairs.  
HB 2649 to Committee on Intergovernmental Relations.  
HB 2692 to Committee on Intergovernmental Relations.  
HB 2812 to Committee on Education.  
HCR 24 to Committee on Education.

#### COMMITTEE OF THE WHOLE SENATE

On motion of Senator Barrientos and by unanimous consent, the Senate at 11:48 a.m. resolved into the Committee of the Whole Senate on Legislative and Congressional Redistricting with Senator Barrientos presiding.

#### IN LEGISLATIVE SESSION

The Presiding Officer, Senator Brown in Chair, called the Senate to order at 12:36 p.m. as In Legislative Session.

#### COMMITTEE OF THE WHOLE SENATE REPORT

Senator Barrientos was recognized and reported that the Committee of the Whole Senate on Legislative and Congressional Redistricting had met and had conducted its business.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Education might consider **SCR 74** tomorrow.

**MESSAGE FROM THE HOUSE**

**HOUSE CHAMBER  
Austin, Texas  
Tuesday, April 22, 1997**

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**SB 190**, Relating to the regulation of nursing homes and similar facilities; providing penalties.  
(Committee Substitute/Amended)

**SB 251**, Relating to certain charges for the administration of loans and loan applications.

**SB 974**, Relating to the recovery of environmental inspection, removal, and remediation costs by a taxing unit that purchases real property at an ad valorem tax sale.

**SB 1173**, Relating to holding at the same time more than one office of municipal judge filled by appointment.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**GUEST PRESENTED**

Senator West was recognized and introduced to the Senate Ronald Kirk, Mayor of Dallas.

The Senate welcomed Mayor Kirk.

**MEMORIAL RESOLUTIONS**

**SR 537** - by Armbrister: In memory of Jack Patterson of Waco.

**SR 542** - by Carona: In memory of Ward Dee Downs of Dallas.

**SR 546** - by Zaffirini, Truan: In memory of Servando Cardenas of San Diego, Texas.

**SR 547** - by Brown: In memory of J. F. Elder of Cuero.

**CONGRATULATORY RESOLUTIONS**

**SR 539** - by Barrientos: Congratulating The University of Texas at Austin's Student Branch of the Institute of Electrical and Electronics Engineers.

**SR 541** - by Haywood: Congratulating Brandon Robertson of Gainesville.

**SR 544** - by Cain: Congratulating Iris A. and Jim H. Mathews.

**SR 548** - by Barrientos: Congratulating Robbie John Smith.

**MISCELLANEOUS RESOLUTION**

**SR 538** - by Barrientos: Recognizing April 20 through April 26, 1997, as National Organ and Tissue Donor Awareness Week.

**ADJOURNMENT**

On motion of Senator Truan, the Senate at 12:40 p.m. adjourned, in memory of Nathan D. Maier of Dallas, until 10:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

April 22, 1997

CRIMINAL JUSTICE — **SB 1611** (Amended), **CSSB 873**, **CSSB 703**, **CSSB 119**

FINANCE — **CSSB 1506**, **CSSB 1099**, **SB 572**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 1202**

NATURAL RESOURCES — **CSSB 28**, **CSSB 587**, **CSSB 1150**

HEALTH AND HUMAN SERVICES — **CSSB 1539**

ECONOMIC DEVELOPMENT — **CSSB 555**, **CSSB 667**, **SB 1651**, **SB 1596** (Amended), **CSSB 1387**, **CSSB 1290**, **SB 1291**, **CSSB 1335**, **CSSB 1388**, **SB 1665** (Amended)

INTERGOVERNMENTAL RELATIONS — **SB 1848** (Amended), **HB 794** (Amended), **HB 1474** (Amended), **HB 1741** (Amended)

STATE AFFAIRS — **SB 525**, **CSSB 1748**, **CSSB 658**, **CSSB 1171**, **CSSB 924**, **SB 765** (Amended), **SB 835** (Amended), **CSSB 1069**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1622**

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**SENT TO GOVERNOR**

April 22, 1997

**SCR 59**, **SCR 61**, **SCR 62**, **SCR 64**, **SCR 65**, **SCR 70**

